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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,835	06/23/2003	Victor G. Feller	PER1.003	3153

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ELMAN TECHNOLOGY LAW, P.C.
P. O. BOX 209
SWARTHMORE, PA 19081-0209

EXAMINER

SINGH, RAMNANDAN P

ART UNIT PAPER NUMBER

2646

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,835

Applicant(s)

FELLER ET AL.

Examiner

Ramnandan Singh

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu [US 6,567,652 B1].

Regarding claim 1, Wu teaches a keypad optimized for off-axis viewing [col. 1, lines 4-10], as shown in Fig. 1, comprising one or more triads (i.e. three columns) of keys in a row protruding from a faceplate surface [col. 2, lines 28-34], each such key bearing an indicium representative of the result of pressing the key, the indicium being on a key surface that is oblique to the plane defined by the faceplate surface or by the topmost portion of each of the keys [Figs. 1-6; col. 1, line 66 to col. 4, line 26].

Regarding claim 2, Wu further teaches the conventional keypad comprising inherently three triads of keys representing numbers from 1 to 9 [col. 2, lines 31-34]. For example, Danish et al [US 5,392,338] shows a conventional keypad in Fig. 2 with a **standard 4x3 matrix** [col. 4, lines 38-40; col. 1, lines 20-28].

Regarding claim 3, Wu further teaches the conventional keypad comprising inherently a fourth triad of keys, one representing the number 0 and the other two representing functions.

Regarding claim 4, Wu further teaches the conventional keypad inherently comprising, wherein the other two functions are represented by the characters * and #.

Regarding claim 11, the limitation is shown above.

Regarding claim 5, Wu further teaches the conventional keypad, wherein the keys are formed integrally with a common base from which they protrude through the faceplate [Fig. 1; col. 2, lines 3-17].

Regarding claim 6, Wu further teaches the conventional keypad, wherein the keypad is used in a wireless phone (i.e. wireless mobile phone) [col. 1, lines 6-10; col. 2, lines 55-67].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu as applied to claim 1 above, and further in view of Bestle [US 6,809,660 B2].

Regarding claim 10, Wu does not teach expressly a keypad for use in a remote control device. However, it is well-known in the art.

Bestle teaches using a keypad for a television/stereo remote control device [col. 1, lines 6-12].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the remote control device comprising a keypad of Bestle with Wu in order to make it more convenient for a user to operate a device from a remote location.

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu as applied to claim 1 above.

Regarding claim 7, although Wu teaches a mobile phone housing top comprising a plurality of oblique recesses in a conventional matrix operable from a distance [col. 2, line 64 to col. 3, line 2], it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a mounting for the mobile phone with a clip or

Art Unit: 2646

any fixture for temporarily securing the mobile phone upside-down for manual operation at or near the waist of a user in order to facilitate the operation and viewing of the phone from an off-axis.

Claims 8-9 are essentially similar to claim 7 and are rejected for the reasons stated above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

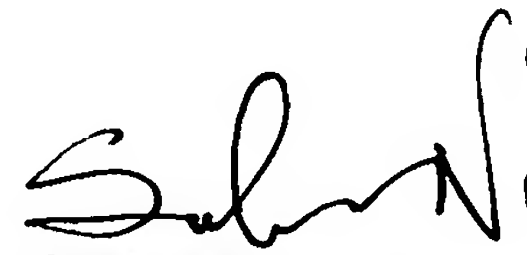
(i) Waldman [US 5,311,175] teaches a method for keypads [Figs. 1-8; Abstract].

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramnandan Singh
Examiner
Art Unit 2646



SUHAN M
PRIMARY EXAMINER